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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

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SECRET

Juan Jose Pascasio Alas
13853 Coleman Ct.
Centreville, VA 20120

PLAINTIFF

vs.

United States Customs and Border Patrol
1300 Penn. Ave., NW
Washington, DC 20229

DEFENDANT

)
)
)
) FOIA LITIGATION

) Case No. 1:13-cv-129
) Agency Case No. 2013F13146

COMPLAINT

I. INTRODUCTION

1. This complaint is filed pursuant to 5 U.S.C. § 552. Mr. Pascasio-Alas filed a Freedom of Information Act (FOIA) request with the United State Customs and Border Patrol (USCBP). The request was filed on March 5, 2013. Mr. Pascasio-Alas followed up with USCBP on August 22, 2013 and USCBP did not respond. After waiting more than two more months, Mr. Pascasio-Alas brings this complaint.

II. THE PARTIES

2. Mr. Pascasio-Alas is an immigrant residing at 13853 Coleman Ct., Centreville, VA 20120. Mr. Pascasio-Alas arrived to the United States without inspection on or about April 15, 2004. At the time of his arrival, the USCBP apprehended Mr. Pascasio-Alas and assigned him the alien number 15 103 409.

3. USCBP is the administrative agency charged, in part with the apprehension of immigrants who come to the United States without inspection. USCBP apprehended Mr. Pascasio-Alas near the Tucson, Arizona/Mexico border. USCBP has its headquarters at 1300 Penn. Ave., NW., Washington, DC 20229.

III. JURISDICTION AND VENUE

4. Congress conferred the United States District Court with jurisdiction to hear claims arising out of federal questions. The federal FOIA statute, codified at 5 U.S.C. § 552, is a federal question within the scope of the United States District Court's jurisdiction.
5. Venue is proper in the Eastern District of Virginia. Under 5 U.S.C. § 552(a)(4)(B), the complaint may be filed in the United States District Court for the district in which the complainant resides. Mr. Pascasio-Alas resides in Centreville, VA, within the judicial district of the United States District Court for the Eastern District of Virginia.

IV. STATEMENT OF THE CASE

6. Mr. Pascasio-Alas arrived to the United States without proper documents on or about April 15, 2004. Soon after his entry into the United States, Mr. Pascasio-Alas was apprehended by Customs and Border Patrol.
7. Not possessing any documentation regarding his entry and arrest in 2004, Mr. Pascasio-Alas filed a FOIA with the Federal Bureau of Investigations (FBI). Mr. Pascasio-Alas submitted a copy of his fingerprints to the FBI and based on the fingerprints, the FBI was able to obtain information regarding Mr. Pascasio-Alas.
8. Important to Mr. Pascasio-Alas's case, the FBI revealed that Mr. Pascasio-Alas was apprehended by the Custom and Border Patrol agency on April 15, 2004 near

Tucson, Arizona. The FBI FOIA also revealed that Mr. Pascasio-Alas was assigned the agency number 15103409. Finally, the FBI FOIA shows that Mr. Pascasio-Alas was charged with violating 8 U.S.C. § 1182 and placed in removal proceedings.

9. The FBI FOIA was filed on January 11, 2013. Mr. Pascasio-Alas received a copy of the FOIA on or about February 14, 2013.
10. Mr. Pascasio-Alas filed a second FOIA with the Customs and Border Patrol. The second FOIA is the cause of this litigation.
11. On April 12, 2013, CBP informed counsel that it had received the FOIA and although the goal was to adjudicate it within 20 days, the statute permits CBP to adjudicate the case in 30 days.
12. Four months later, on August 22, 2013, as Mr. Pascasio-Alas had not received a response from the FOIA wrote to CBP. The letter states that CBP must adjudicate the FOIA within five days.
13. More than two months have elapsed and CBP has not adjudicate the FOIA.
14. It is important for Mr. Pascasio-Alas to receive a copy of the FOIA. The FOIA states that Mr. Pascasio-Alas is charged for violating a section of the Immigration and Nationality Act, namely 8 U.S.C. § 1182. It is unclear from the first FOIA whether Mr. Pascasio-Alas was placed in removal proceedings. If Mr. Pascasio-Alas was placed in removal proceedings, he will file a motion to reopen with the proper Immigration Court.
15. The Executive Office for Immigration Review (EOIR) contains a phone number – 1-800-898-7180, which permits aliens to check the status of their cases.

16. Mr. Pascasio-Alas checked the EOIR toll free number and dialed his alien number. The recording in the toll free number states that Mr. Pascasio-Alas case has not been filed with the Immigration Court.

17. With the information from the FOIA, Mr. Pascasio-Alas will know whether in fact he was placed in removal proceedings and whether he needs to file a motion to reopen if the Immigration Court entered a removal order against him in absentia.

V. PRAYER FOR RELIEF

18. Mr. Pascasio-Alas makes the following prayer for relief:

1. Mr. Pascasio-Alas prays that this Court compel CBP to provide him with a copy of his entire file pursuant to 5 U.S.C. § 552;
2. Mr. Pascasio-Alas prays that this Court grant reasonable attorney's fees in this matter.

Respectfully submitted,



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